

**REMARKS****I. Status of the Claims:**

Claims 1-112 were currently pending in the application prior to this amendment. Claims 1-112 have been rejected. No new matter has been added as a result of this request for reconsideration.

Applicants respectfully request reconsideration of the previously presented claims in view of the following remarks:

**II. Response to Examiners Arguments:**

The Manual of Patent Examining Procedure (MPEP) states in section 706.07 that, "Before final rejection is in order a clear issue should be developed between the examiner and applicant." Applicants respectfully assert that the Examiner has not appropriately considered the arguments contained in the November 30, 2005, amendment, and did not adequately reject the new claims 111 and 112, rendering the Final Office Action mailed March 3, 2006, both non-responsive and premature. As a result, no clear issues have been developed between Applicants and the Examiner instructing as to what actions Applicants may pursue to expedite prosecution.

In the "Response to Arguments" section of the aforementioned Final Office Action, the Examiner makes general statements as to the objective of Momirov as stated in the Abstract (see, for example, page 12, sections 8b and 8c of the Office Action). In these sections the Examiner asserts that the receiving terminal may use the encoded packet header for selection criteria without having to access cross reference tables is recited in the abstract of Momirov.

On the contrary, the abstract in Momirov recites "The data and the multicast group identifier are then transferred to a switching card which indexes into a first set of correlation data...", and that "the I/O cards identify a set of ports associated with the multicast group by indexing into a second set of correlation data..." The concept of "index" (e.g., address) to "data" correlation is understood by one of ordinary skill in the art as a cross reference table. This interpretation is later supported in the abstract of Momirov: "Correlation data, e.g., in the form of tables indexed by multicast group identifiers..." Further, Momirov states explicitly in column 5, line 6, that "The egress path table 315 is typically used by the switching logic 310 during egress processing to determine upon which tap(s) a particular multicast cell is to be forwarded." An egress I/O interface table 335 (column 5, line 44) and an egress port table 355

(column 6, line 8) are also mentioned as being part of the routing of information in Momirov. As a result, it appears that the assertions of the Examiner regarding the abstract are incorrect.

In addition, the "Response to Arguments" section of the Final Office Action does not address at least the following arguments presented from the previous amendment (November 30, 2005) regarding the 35 U.S.C. § 102 rejection to Momirov:

"Applicants disagree with the Examiner's contention that Momirov anticipates the claimed invention. Momirov is a system for routing information to various output queues or "taps" in order to optimize multicast message delivery. A standard packet is separated into "cells," and each cell receives forwarding control information regarding a particular output tap. This information is then used to reassemble a packet prior to forwarding to an I/O card for broadcast (in the case of multicast data). Applicants respectfully contend that the Examiner has not demonstrated that Momirov anticipates each and every limitation in the independent claims, and therefore, the 35 U.S.C. § 102 rejection is invalid under U.S. patent law.

The Examiner makes general reference to various sections in Momirov (e.g., column 4, line 53 to column 6, line 55) that describe the segmenting, routing and reformation of data packets. However, there is nothing in the citations relied upon by the Examiner that demonstrates generating an address value based on the IP or MAC address, formatting the address value and populating the formatted address value into a field of the header that will be used as a selection criteria by a receiving terminal as explicitly required by claim 1. There is no recitation or implication in Momirov of a receiving terminal. It appears that all mapping and routing actions in the cited reference are related to output functions taking place within a single device (e.g., an Internet switch), and do not correspond to client terminals that desire to receive specific elements of multicast information. Further, it is not apparent that other limitations in the claims, for example claims 8 and 9, are anticipated by Momirov. There is no recitation or implication in Momirov that the IP or MAC address, or a subset thereof, has been operated upon by a bitwise logic function or a hashing function. Momirov column 10, line 27-column 11, line 8 merely discusses different formats for a packet address, and column 2, lines 14-55 is a generalized summary of the invention, and does not recite or imply the use of hashing with respect to the present invention."

With respect to the 35 U.S.C. § 103 rejections maintained in the Final Office Action, the Examiner has failed to consider and respond to at least the arguments regarding the inadequacy of the motivation combine and the deficiencies in the Chauvel reference as follows:

"Applicants respectfully contend that all of the obviousness rejections in this Office Action lack adequate motivation as required under US patent law. The motivation offered in these rejections does not rely upon

independent support (e.g., a citation in the secondary reference, an outside resource, etc.), and seems to instead mirror the benefits recited by the present invention. Therefore, this motivation is deemed to constitute hindsight reconstruction by the Examiner (e.g., the Examiner combined the references only because of the teaching of the present invention), and therefore, Applicants believe the rejections to be invalid.

In addition, Chauvel is a digital packet parser system usable, for example, as a decoder for digital television. The system may route packets depending on a flag that indicates various conditions (e.g. errors, more processing required, etc.). The Examiner relies upon the Chauvel reference to teach the processing and routing of MPEG2 information. Chauvel does not cure the deficiencies described above in respect to the Momirov reference, and therefore, in addition to lacking an adequate motivation to combine the two references, the rejection is also invalid for at least the reasons discussed above in regard to the 35 U.S.C. § 102 rejection.”

In regard to claim 31, which was rejected under 35 U.S.C. § 103 using the Bigham reference, the Examiner argues in section 8d of the Final Office Action (page 13) that, “No where (sic) in the specification or claims, applicants specify how this limitation would fit in technique or function with the depending claim.” Applicants, on the contrary, respectfully contend that one of ordinary skill in the art at the time the invention was made would understand claim 31 to further limit claim 21 wherein the “apparatus” performing recited claim 21 is further limited to a “wireless handheld terminal.” Therefore, Applicants maintain the argument as set forth in the previous amendment overcomes the 35 U.S.C. § 103 rejection:

However, claim 31 requires that the device of claim 21 be a wireless handheld terminal, wherein the device of claim 21 is performing the method of claim 1. In Bigham, the DET is the device actually handling the processing and routing of data, and according to column 29, line 61 to column 30, line 6, this device is a connected via a coaxial cable drop (hardwired) to the network. Therefore, in addition to the rejection lacking an adequate motivation to combine the two references and being invalid for at least the reasons discussed above in regard to the 35 U.S.C. § 102 rejection, the rejection is also invalid because the wireless communication device in Bigham is merely a receiving device, and is not employed to process and route data as required by claims 21 and 31 of the present invention.

As further indicated above, the Examiner has not properly considered and rejected claims 111 and 112. The rejection in the Final Office Action now includes claims 111 and 112 with the other claims that the Examiner considered to be within the same scope as previously pending claims 1-3, 5 and 7-10 without any further explanation (Rejection, page 5, section 3i).

The Examiner did not respond to Applicants explicit statement supporting the novelty of new claims 111 and 112, and has not provided an adequate grounds of rejection to claims that Applicants believe to include limitations distinct from both the previously presented claims and the previously cited references.

As a result, Applicant's respectfully request that the Examiner reconsider the finality of the previous rejection due to a lack of adequate treatment of both the arguments and amendments in our previous response.

### **III. Rejections Under 35 U.S.C. §102(a):**

Claims 1-3, 5, 7-13, 15, 17-23, 25, 27-30, 63-64, 66, 68-72, 74, 76-80, 82 and 84-86 stand rejected, along with the rejection of claims 111-112 under 35 USC § 102(a) as being anticipated by Momirov (hereafter "Momirov"), of record.

Claims 32-40, 42-50, 52-60, 88-93, 95-100 and 102-107 have been rejected under 35 USC § 102(a) as being anticipated by Momirov.

In addition to the previously presented arguments, Applicants also believe the above indicated claims to be distinguishable from the cited references for the following reasons. In the Momirov system, the device has multiple output ports, and the problem solved is to determine the output ports to which the (multicast) data shall be routed (see, for example, figure 1, reference items 105-108). The evaluation of the "multicast identifier" is done completely within the same device. In at least one embodiment of the present invention, the task is independent of the number of output ports, and the new "address value" is evaluated in a different device (e.g., a receiving terminal as recited in claim 1), which stands apart from the device which generates the address value.

Claim 1 further recites "constructing a data packet," which is distinguishable from forwarding a data packet as performed by the Momirov system. Momirov packets are only "prepended and/or appended" (see, for example, col. 8, lines 31 - 34). As best understood, this means a new header is placed in front or behind the packet, containing the routing information. The original packet structure is untouched. Thus, the IP address will still be included if the arriving packet was an IP packet. In at least one embodiment of the present invention, such a

header field may be constructed, modified, determined and/or compiled into a single header, which is distinct from the teaching in Momirov.

In view of the above, Applicants believe that the aforementioned claims are distinguishable over the cited reference Momirov.

**IV. Rejections Under 35 U.S.C. §103(a):**

Claims 4, 6, 14, 16, 24, 26, 65, 67, 73, 75, 81, 83 and 109 stand rejected under 35 USC § 103(a) as being unpatentable over Momirov in view of Chauvel, both of record.

Claims 41, 51, 61, 94, 101, 108 and 110 have been rejected under USC § 103(a) as being unpatentable over Momirov as applied to claims 32 and 33, and further in view of Chauvel et al., all of record.

Claims 31, 62 and 87 have been rejected under USC § 103(a) as being unpatentable over Momirov as applied to claims 1-2 and 32, and further in view of Bingham, of record.

Applicants believe that the aforementioned claims are distinguishable based on the assertions made in the prior amendment (November 30, 2005), as well as the arguments presented above.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of the application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 4208-4028. A DUPLICATE OF THIS SHEET IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 4208-4028. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
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Dated: May 26, 2006

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